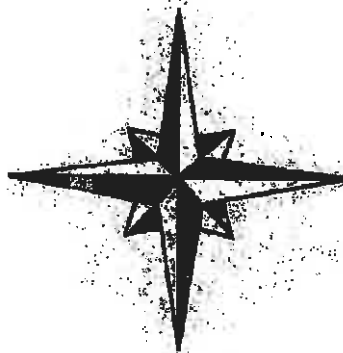


DIRECTIVE

HR-003A

Metropolitan Washington Airports Authority



CONDUCT AND DISCIPLINE

DISTRIBUTION: All Employees

OP: MA-500

DATE May 2015

MWAA Form 322-803 (Rev. 9/2015)

**DEFENDANT'S
EXHIBIT**

1

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FOREWORD

This revised Directive sets forth the responsibilities and standards of conduct which apply to all part-time and full-time career Airports Authority employees and establishes guidelines for supervisors in preparing and processing disciplinary actions. This Directive does not create any rights which may be enforced by employees in any court or administrative proceeding, as Airports Authority employees are employees at will and do not have a property interest in their positions.

In accordance with this Directive, discipline shall be corrective, not punitive in nature, appropriate to the offense, and be determined considering both aggravating and mitigating factors. In this manner, discipline shall be for just cause, and employees can expect consistent and fair treatment when issues of conduct and discipline arise. This revised Directive includes information about the "My Concern Is" Hotline, a new process for employees to raise good-faith concerns regarding fraud, abuse or misuse of Airports Authority property, or unethical conduct.

These guidelines are relevant to all employees. However, where the same topic is covered by this Directive and a negotiated agreement with an Airports Authority labor union, and where the language is inconsistent (e.g., the time frame for responding to a proposed disciplinary action), then the language in the collective bargaining agreement controls for members of the relevant bargaining unit. The Labor and Employee Relations Department must be consulted for resolution of any conflicts or apparent inconsistencies between this Directive and the negotiated agreements, or other questions concerning this Directive.

This Directive is readily accessible for reference on the Airports Authority intranet (Livelihood).


John E. Potter
President and Chief Executive Officer

4/24/15
Date

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CHAPTER 1. INTRODUCTION

1.1 PURPOSE

The Conduct and Discipline Directive prescribes standards of conduct, and procedures and guidelines for disciplining Airports Authority employees. These procedures would also apply to any performance related actions taken in accordance with Pay for Performance (PFP) for salaried employees or the relevant Performance Management Partnership (PMP) for bargaining unit employees. This Directive does not create any rights which may be enforced by Airports Authority employees in any court or administrative proceeding, as Airports Authority employees are employees at will and do not have a property interest in their positions.

1.2 DISTRIBUTION

The Conduct and Discipline Directive is distributed to all employees.

1.3 DEFINITIONS

- a. Disciplinary action is an action taken against an employee to correct the employee's misconduct. A disciplinary action may consist of an oral reprimand, letter of warning, letter of reprimand, suspension, demotion, or removal.
- b. Disciplinary File is a file maintained by the Department of Labor and Employee Relations that contains the official documentation of a disciplinary action taken against an individual employee, including both the record of the process and the supporting evidence.
- c. Employee means all part-time and full-time career employees of the Metropolitan Washington Airports Authority, including all managers and supervisors. Non-career employees are not subject to employee rights under the Conduct and Discipline Directive.
- d. Grievance is a written request from an employee or a union representative to reduce or rescind a disciplinary action.
- e. Official Personnel Folder is the official repository for records and documents related to employment for each employee in the Airports Authority. The Notification of Personnel Action (Form PE-15) records concerning disciplinary actions may be retained in these folders. This file shall be retained in the Office of Human Resources.
- f. Probationary Period is the time period for observing an employee's job performance and conduct to determine whether the employee is suited for the position. The probationary period for full-time and part-time career employees is twelve months from the date of hire. With the exception of lateral police officers, who serve a twelve-month probationary period from the date of hire, the probationary period for Airports Authority Police Officers is twelve months after graduation from the Northern Virginia Criminal Justice Training Academy.

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1.4 PROGRAM RESPONSIBILITIES

a. The Department of Labor and Employee Relations is responsible for:

- (1) Developing, interpreting, and implementing the requirements and procedures of this Directive.**
- (2) Reviewing all draft written disciplinary proposals, accompanying documentation, and all decision letters, and recommending appropriate action to assure like penalties for like offenses.**
- (3) Assisting and providing recommendations to managers/supervisors concerning the application of this Directive.**
- (4) Representing the Airports Authority in administrative hearings involving labor relations and employee grievances, but excluding Equal Employment Opportunity matters.**
- (5) Maintaining and retaining the Airports Authority's official disciplinary files of all disciplinary actions.**

b. The Office of General Counsel is responsible for:

- (1) Providing advice and counsel to the Office of Human Resources and Administrative Services and other Airports Authority managers, and rendering legal interpretations and opinions relevant to this Directive.**

c. Supervising Officials are responsible for:

- (1) Coordinating all discipline with the Department of Labor and Employee Relations and assuring that all written discipline has been reviewed by the Department of Labor and Employee Relations prior to disseminating it to the employee.**
- (2) Sending all documentation relating to discipline to the Department of Labor and Employee Relations for inclusion in the official disciplinary file.**

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CHAPTER 2. STANDARDS OF CONDUCT

2.1 PURPOSE

The Airports Authority is committed to safety and excellence, and strives to improve efficiency, responsiveness, and customer orientation. Work rules are necessary to achieve these Commitments. Conduct that interferes with operating and developing Ronald Reagan Washington National Airport, Dulles International Airport and the Dulles Toll Road, that reasonably tends to discredit the Airports Authority or so interferes with the mission of the Airports, or that is offensive to customers or coworkers under a reasonable and objective standard, is not tolerated. An employee's positive attitude and cooperative compliance with work rules promote the best interests of the Airports Authority.

2.2 APPROPRIATE EMPLOYEE CONDUCT

Examples of appropriate employee conduct include the following:

- a. Treating the public and all coworkers in a respectful, courteous manner.
- b. Performing assigned duties fully and efficiently and according to generally accepted standards.
- c. Reporting for work on time and ready to work with required tools or equipment.
- d. Reporting for work clean, neat, and well-groomed and wearing clothing appropriate to the employee's duties, including wearing Airports Authority uniforms when issued.
- e. Timely requesting approval for absences from duty.
- f. Reporting unsafe or illegal conduct of coworkers, contractors, suppliers, or the public.
- g. Observing all safety and security rules and regulations, reporting hazards or other violations to management.
- h. Safeguarding confidential and official-use-only information.
- i. Protecting Airports Authority funds, property, equipment, and materials.

2.3 PROHIBITED EMPLOYEE CONDUCT

Violation of Airports Authority policies, procedures, general orders, standard operating procedures, or inappropriate conduct is prohibited. Discipline for any such violations shall be imposed in accordance with Chapter 3.

- a. The following are examples of prohibited on-duty conduct:

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- (1) Behaving in a way which is offensive to the public or coworkers under a reasonable and objective standard or which brings discredit upon the Airports Authority.
- (2) Discriminating against members of the public, contractors, coworkers, or job applicants on the basis of race, color, religion, sex, national origin, age, disability or sexual orientation. (See, the Equal Employment Opportunity Directive).
- (3) Engaging in conduct, such as epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; or sexual advances or comments constituting sexual harassment or harassment based on sexual orientation. Displaying offensive materials in the workplace.
- (4) Reporting for or being at work under the influence of controlled substances or alcohol. (See, the Drug-Free Workplace Directive).
- (5) Making a false statement or falsifying or altering any Airports Authority record, official log, or report (for example, a travel expense report, employment application, medical record, leave request, or electronic time card).
- (6) Intentionally using or disseminating confidential Airports Authority information without authorization.
- (7) Stealing, destroying, defacing, or misusing Airports Authority property or that of a coworker or member of the public.
- (8) Insubordination.
- (9) Failing to wear required safety equipment or follow safety procedures.
- (10) Using profane, obscene, indecent, or offensive language.
- (11) Fighting, assaulting, threatening, bullying, or intimidating a coworker or member of the public. (See, the Workplace Violence Directive).
- (12) Bringing a dangerous weapon onto Airports Authority facilities without official Airports Authority authorization.
- (13) Smoking where prohibited.
- (14) Using an Airports Authority purchasing card (P-card) for unauthorized purchases.
- (15) Abusing one's position; e.g., receipt of a benefit due to position, using a position to unfairly benefit another, or using position to subvert policies/procedures.
- (16) Being absent from one's duties without approved leave.
- (17) Repeatedly being tardy.

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b. Off-Duty Conduct:

Employees can be disciplined for off-duty misconduct where the Airports Authority can show a nexus or link, based on the totality of circumstances, between the off-duty misconduct and the needs and efficiency of the Airports Authority. The nexus may be established by the following: the nature and gravity of the misconduct; a showing that the misconduct adversely affects the employee's performance, his/her coworker's performance, or management's trust and confidence in the employee, or a showing that the misconduct interferes with or adversely affects the Airports Authority mission, business, or reputation.

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CHAPTER 3. DISCIPLINE

3.1 DISCIPLINE PRINCIPLES

The Airports Authority uses discipline to change unacceptable behavior. When discipline becomes necessary, the Airports Authority follows the principle of constructive discipline, which means that the Airports Authority will impose the least severe discipline necessary to correct the misconduct. The Airports Authority will impose discipline appropriate to the offense, considering all aggravating and mitigating factors.

3.2 AIRPORTS AUTHORITY PERSONNEL RESPONSIBLE FOR DISCIPLINE

The Supervisory Official, in consultation with the Department of Labor and Employee Relations and other parties as necessary, proposes discipline that is consistent with past discipline within the Airports Authority and that reflects a consideration of mitigating or aggravating circumstances. The Department of Labor and Employee Relations must be involved in all discipline.

Listed below are the levels of discipline and the Supervisory Officials with the authority to impose that specific level of discipline:

- a. **Removal:** President, Executive Vice President, and the Vice Presidents have the authority to remove employees.
- b. **Demotion and Suspension:** Direct reports to the Vice Presidents and Deputy Vice Presidents, the Police Chief, the Fire Chief, the Department Managers in Consolidated Functions, and officials above them are authorized to demote and suspend employees.
- c. **Letter of Reprimand, Letter of Warning, and Oral Reprimand:** All supervisors are authorized to issue written and oral reprimands and letters of warning.

Supervisors and managers may recommend discipline to Supervisory Officials with the authority to take a specific level of discipline.

3.3 DETERMINING THE NEED FOR DISCIPLINE

In deciding whether to propose discipline, the Supervisory Official should act promptly to:

- a. **Determine the facts** surrounding the incident or the circumstance causing the consideration to impose discipline.
- b. **Determine whether the employee knew or reasonably should have known** what was expected of him or her and/or what conduct was prohibited or unacceptable.
- c. **Consider the employee's overall record**, including the relevance of any prior misconduct (e.g., recent, repeated or similar misconduct) by the employee.

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- d. **Coordinate with the Department of Labor and Employee Relations and the Office of General Counsel when the employee claims that a medical reason or condition excuses the alleged misconduct.**
- e. **Consult the guidelines in this Directive and any applicable collective bargaining agreement.**
- f. **Propose discipline appropriate to the misconduct, in consultation with the Department of Labor and Employee Relations and other parties, as necessary.**

3.4 TYPES OF DISCIPLINE

- a. **Oral Reprimand:** an oral communication from the supervisor to the employee about conduct deemed in need of correction/improvement. During this face-to-face discussion, the supervisor advises the employee of the specific misconduct and the employee has the opportunity to respond. The supervisor should consider the employee's responses in deciding whether an Oral Reprimand is warranted. If the supervisor decides that the Oral Reprimand is warranted, he or she must notify the employee that this discipline is being imposed and must advise that recurrence of the conduct could lead to more severe discipline.

The supervisor should create a written record of the matters discussed, including the reason for the Oral Reprimand and the corrective steps necessary, and should maintain a copy in local files. The Airports Authority does not place records of Oral Reprimands in the employee's Official Personnel Folder.

- b. **Letter of Warning:** a written notice from the supervisor to the employee describing the conduct that needs correction. The letter should state that a more severe penalty might result if the problem persists and should outline the steps the employee should take to correct the problem. The Airports Authority does not place such records in the employee's Official Personnel Folder.
- c. **Letter of Reprimand:** a written notice from the Supervisory Official to the employee when the offense is serious and warrants a more severe corrective action than an Oral Reprimand or Letter of Warning or when minor infractions are repeated. The Letter of Reprimand is intended to correct an employee's conduct or work habits. This letter should include:
 - (1) A sufficiently detailed description of the facts (i.e., times, places, dates, and persons) to enable the employee to fully understand the offense alleged.
 - (2) Notice that any response to the proposed Letter of Reprimand must be submitted in writing, should contain all reasons why the reprimand is not warranted, must be submitted within seven calendar days after receipt of the letter and that following submission of the written response, the employee may schedule a meeting with his/her supervisor to further discuss the written response. The statement should

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inform the employee of the name and address of the individual to whom the reply should be addressed.

- (3) A restatement of prior offenses if the letter is a continuation of constructive discipline.
- (4) A warning that future misconduct may result in more severe discipline.
- (5) Notice that assistance is available to help the employee remedy the problem and a description of the steps that the supervisor expects the employee to take to remedy the problem.
- (6) A statement that the Airports Authority will fully consider the employee's reply before it decides whether to sustain or withdraw the letter and that the employee's reply and the Letter of Reprimand will be filed in the Airports Authority Disciplinary File if the discipline is sustained.
- (7) If the employee replies to the Letter of Reprimand, the Supervisory Official must notify the employee in writing whether the reprimand has been sustained. The Letter of Reprimand will not be placed in the Airports Authority Disciplinary File until the Supervisory Official has made a decision on the reply, unless the employee has not timely replied. If the reprimand is sustained, the Supervisory Official will ensure that the Letter of Reprimand, the employee's reply (if any), and the decision letter are placed in the Airports Authority Disciplinary File.

d. **Suspension:** Placing an employee in an involuntary non-duty and non-pay status for conduct reasons. Because suspensions represent a loss to the Airports Authority of an employee's performance and a financial loss to the employee, the Airports Authority imposes suspensions only after warnings or reprimands have been used without success or when the gravity of the offense compels more severe discipline. The following procedures apply:

- (1) The Supervisory Official, in consultation with the Department of Labor and Employee Relations, must provide the employee with a written proposal to suspend for a specified number of days, containing a description of the basis of the proposal (i.e., times, place, dates, and persons). This notice should also state that the employee has seven calendar days from the date of the receipt of the notice of proposed suspension within which to reply in writing to the Supervisory Official. The employee has the right to review the evidence relied on to support the proposal, use official time for this purpose, and obtain a representative (union, legal, etc.) at his or her own expense to assist in preparing a written response. Following submission of the written response, the employee may schedule a meeting with his/her supervisor to further discuss the written response. The suspension may be imposed no earlier than seven calendar days from the date of the proposal.
- (2) If the employee responds in writing to the proposal, the Supervisory Official must issue a written decision letter implementing, modifying, or rescinding the

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proposed discipline. The official should indicate which reasons were sustained, which were not, and render the final decision.

- (e) **Demotion:** Placing an employee in a position resulting in a reduction of pay level or pay for conduct or performance reasons. These procedures follow the outline for a suspension.
- (f) **Removal:** Terminating the employment relationship for misconduct. Removal is the most serious discipline available and is appropriate when the employee's action, conduct, or negligence is such that removal is necessary to promote the efficiency of the Airports Authority. Depending on the gravity of the offense or the likelihood that corrective action would not succeed, removal may be warranted even for a first offense. These procedures follow the outline for a suspension.
- (g) **Removal During Probation:** Removing an employee during his or her probationary period, as follows: 12 months after graduation from the Northern Virginia Criminal Justice Training Academy for Airport Police Officers, and 12 months from date of hire for lateral-hire police officers and all other Airports Authority employees. The Supervisory Official must implement the removal before the end of the employee's regular tour of duty on the last day of probation. The Supervisory Official must provide the employee with written notice of the removal, the reasons for it, and the effective date. No additional due process is available to the employee.

3.5 NON-DISCIPLINARY REMOVALS AND DEMOTIONS

A removal or demotion may be imposed for non-disciplinary reasons such as absence due to a work-related injury, or other reasons (e.g., off-duty injury or illness) that preclude returning to work, or the inability to meet medical or professional certifications required by the position. Relevant statutory requirements (e.g., FMLA or ADA) must be met. These removal or demotion actions must be coordinated with the Department of Labor and Employee Relations and Office of General Counsel.

Non-disciplinary removals or demotions require a written proposal. A non-probationary employee shall have seven calendar days to respond and may, at his/her own expense, have a representative assist on any written response.

3.6 EXCUSED ABSENCE FOR ADMINISTRATIVE PURPOSES

On occasion, an employee may be placed immediately in an inactive duty status with pay for administrative purposes. Direct reports to the President or the Executive Vice President must inform the Vice President for Human Resources and Administrative Services no later than the next business day after an employee has been placed on excused absence for administrative purposes ("administrative leave"). Administrative leave may be used where an employee is the subject of an investigation or where the employee is facing serious discipline, such as removal. Such excused absences are not considered discipline and, as such, cannot be used against an

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employee in the pending discipline or any future discipline, or reflect unfavorably upon said employee.

- a. **Investigation:** Where the Airports Authority determines that the employee's continued presence at work is contrary to the Airports Authority's interests, the President, the Executive Vice President, Deputy Vice President or the Vice President in the employee's line-of-supervision may place an employee on administrative leave immediately, and may direct the employee to remain away from the workplace. The imposition of administrative leave is not subject to appeal and the leave ends when the employee receives notice to that effect.
- b. **Serious Discipline:** Likewise, while the disciplinary process is pending for an employee charged with misconduct that could result in suspension or removal from his or her position, the Airports Authority may determine that the employee's continued presence at work is contrary to the Airports Authority's interests. Where it is appropriate, the supervisor may put an employee on administrative leave immediately and may direct the employee to remain away from the workplace. Again, the imposition of administrative leave is not subject to appeal and the leave ends when the employee receives notice to that effect.

3.7 DISCIPLINE PROCEDURES

The following procedures govern discipline:

- a. The Supervisory Official is responsible for preparing the written disciplinary notice, establishing an accurate and complete Disciplinary File, and sending the file to the Department of Labor and Employee Relations for review prior to proposing a disciplinary action. The file must contain the draft disciplinary notice and evidence to support the discipline (e.g., time and attendance logs, witness statements, duty logs or rosters, and records of prior counseling or discipline).
- b. Negotiated labor contracts may contain certain exceptions to these procedures. Airports Authority managers must consult with the Department of Labor and Employee Relations before initiating a disciplinary action involving a bargaining unit employee to ensure that the Airports Authority has complied with relevant contract provisions.

3.8 APPEAL RIGHTS

Only non-probationary, career employees are entitled to challenge any disciplinary action taken against them.

Bargaining Unit employees can appeal disciplinary actions in accordance with their respective negotiated grievance procedures. All other employees can appeal disciplinary actions in accordance with the Airports Authority Grievance Procedure.

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CHAPTER 4. REPORTING FRAUD, OR ABUSE OR MISUSE OF AIRPORTS AUTHORITY PROPERTY, AND ADMINISTRATIVE INVESTIGATIONS

4.1 REPORTING FRAUD, ABUSE OR MISUSE OF AIRPORTS AUTHORITY PROPERTY

Employees with an objective, good-faith belief of fraud, or abuse or misuse of Airports Authority property should contact the "My Concern Is" Fraud and Ethics Hotline. (See Appendix A for full details of the Hotline).

4.2 AIRPORTS AUTHORITY ADMINISTRATIVE INVESTIGATIONS

The Airports Authority exercises several investigatory functions to maintain the integrity of its workforce and its transactions and to assure that practices and procedures comport with accepted standards for public bodies. Such investigations may be conducted by the Office of General Counsel, the Department of Labor and Employee Relations, and independent contractors designated by the investigating office for the purpose of conducting an investigation.

Employees typically become involved in administrative investigations when they are asked to provide a written statement and to participate in an interview. The Airports Authority will schedule interviews for such investigations during employees' scheduled work hours, unless the interviewer and employee agree otherwise. The interviewer shall notify the employee's supervisor of the interview and the supervisor shall excuse the employee from scheduled work for that purpose.

Prior to the interview or submission of a written statement, the Airports Authority shall inform the employee of the nature of the interview, inform the employee that he/she has the right to have a witness present during the interview, and inform the employee that he/she has 3 business days to make the witness available.

At the beginning of the interview, the employee shall be advised in writing of his/her rights by being presented with a copy of the Administrative Investigation Advice of Rights (Appendix B). The employee shall acknowledge receipt of the Administrative Investigation Advice of Rights in writing and shall receive a copy for his/her records.

4.3 EMPLOYEE RESPONSIBILITIES

Employees shall cooperate in Airports Authority administrative investigations by providing a complete and accurate response to questions and by providing related documents and other materials upon request.

An employee may have a witness present, including a lawyer (provided at the employee's expense), or union representative, for any conference, meeting, interview, etc., when the employee reasonably believes or has been informed that the interview could lead to discipline. If the employee needs additional time to arrange for the witness to appear, the Airports Authority will delay the meeting for a maximum of 3 business days. If the employee selects his or her

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union representative, the union representative will be allowed official time for such representation consistent with the relevant collective bargaining agreement.

An employee may be disciplined for refusing to answer questions asked during an administrative investigation or for concealing information, furnishing information that the employee knows or reasonable should know is false or misleading, or otherwise obstructing and Airports Authority investigation. Such discipline may be imposed only if the investigating officer has ordered the employee to respond to any questions and has stated that the failure to answer may result in discipline.

Appendix A

"MY CONCERN IS" FRAUD AND ETHICS HOTLINE

The Metropolitan Washington Airports Authority (Airports Authority) is committed to upholding the highest ethical standards and preventing workplace practices and conduct that are fraudulent or dishonest, or that result in waste or abuse of Airports Authority resources. In support of this commitment, the Airport Authority has initiated a new process for employees to raise concerns.

The "My Concern Is" Hotline provides a convenient and anonymous means for employees to report suspected instances of fraud, misuse of Airports Authority property, and unethical conduct as well as other workplace concerns. The objective of the Hotline is to ensure compliance throughout the Airports Authority with all applicable laws and Airports Authority rules and policies.

The Airports Authority has contracted with Red Flag Reporting—an outside service provider—to manage the "My Concern Is" Hotline. Red Flag personnel are available 24/7 to answer calls, and are trained to capture the types of information the Airports Authority will need to assess and investigate reported concerns. Employees are not required to provide their names, titles, telephone numbers or other personal identifying information. Callers are expected to have an objective, good faith belief that the information they provide to the "My Concern Is" Hotline is factual and accurate.

To speak with the Hotline staff, employees should dial (877) 647-3335 and use client code: 1MyConcern. The service provider will summarize each call and submit a report to the Airports Authority Office of Audit within a few hours of the call. Employees also may report their concerns online at RedFlagReporting.com. All communications from employees to Red Flag and from Red Flag to the Office of Audit will be handled in a way that assures confidentiality and anonymity.

Information called into the Hotline or reported online, will be forwarded by the Office of Audit to the appropriate Airports Authority Office for follow-up or investigation. Information will not be shared with any individuals who lack a legitimate need-to-know and safeguards are in place to protect the information from accidental disclosure. The Airports Authority will not retaliate against an employee who makes a report based on an objective, good-faith belief that the information reported is factual and accurate.

For additional information, please contact the Office of Audit at 703-417-8775.

Appendix B

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ADMINISTRATIVE INVESTIGATION NOTICE (WITNESS) Responsibilities/Right to Counsel

To: (Print or type Employee's Name)

Date and Time:

You are being interviewed as part of an administrative investigation. This is a fact-finding inquiry. During the interview you will be asked questions by an authorized Airports Authority representative. You are required to answer the questions truthfully and completely. You are required to provide requested documents and other materials.

You have the right to have a representative present during the interview, but only as a witness, not as an advocate. If you are in a bargaining unit, you may have a Union representative present as your witness. Your representative's role is limited to witnessing the proceedings, making notes, and consulting with you if you request a break during the interview. Neither you nor your representative is permitted to record the interview on an audio or video or other electronic device.

Your answers to the questions or your statement can be used against you in administrative disciplinary proceedings.

Your answers to the questions or your statement cannot be used against you in any criminal proceedings.

If you refuse to answer the questions posed to you, you may be charged with and disciplined for insubordination.

You may be charged and disciplined for concealing information or for furnishing information which you know, or reasonably should know, is false.

Acknowledgement:

I have read the above Administrative Investigation Notice. I have received a copy of this notice.

Signed:

Date:

**Witness' Signature
(Print or type Witness' Name):**

Date:

Appendix C

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY ADMINISTRATIVE INVESTIGATION NOTICE

To: (Print or type Employee's Name)

Date and Time:

You are being interviewed or asked to submit a statement as part of an administrative investigation of your conduct. This is a fact-finding inquiry. In the event of an interview, you will be asked questions by an authorized Airports Authority representative. You are required to answer the questions truthfully and completely. You are required to provide requested documents and other materials.

You have the right to have a representative present during the interview, but only as a witness, not as an advocate. If you are in a bargaining unit, you may have a Union representative present as your witness. Your representative's role is limited to witnessing the proceedings, making notes, and consulting with you if you request a break during the interview. Neither you nor your representative is permitted to record the interview on an audio or video or other electronic device.

Your answers to the questions or your statement can be used against you in administrative disciplinary proceedings.

Your answers to the questions or your statement cannot be used against you in any criminal proceedings.

If you refuse to answer the questions posed to you, you may be charged with and disciplined for insubordination.

You may be charged and disciplined for concealing information or for furnishing information which you know, or reasonably should know, is false.

Acknowledgement:

I have read the above Administrative Investigation Notice. I have received a copy of this notice.

Signed:

Date:

Witness' Signature

Date:

(Print or type Witness' Name):

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PENALTY GUIDELINES

- 1. These guidelines are not intended to cover every possible type of offense. Penalties for offenses not listed in the table should be discussed with the Department of Labor and Employee Relations. Penalties should be consistent with penalty guidelines for offenses of comparable gravity.**
- 2. A penalty either more or less severe than the minimum or maximum range may be imposed. A supervisor should give consideration to the gravity of the offense, frequency of violations, position of the employee, his or her past record, and extenuating circumstances offered by the employee.**
- 3. When consideration of an employee's past disciplinary record results in the determination to impose a more severe penalty than the immediate offense would warrant (i.e., more severe than the penalty noted in the penalty guidelines), the notice to the employee shall advise him or her of the specific previous disciplinary actions involved and of the reasons for the more severe penalty action. Generally, the amount of time that has elapsed since the last disciplinary action would be a factor in determining the weight to give the prior disciplinary action in imposing an appropriate penalty. The more recent the prior disciplinary action, the more weight it will carry in the determination of an appropriate penalty.**

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PENALTY GUIDELINES*

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
1. Unexcused absence or excessive tardiness.			
a. A pattern of frequent tardiness for duty.	Oral reprimand to 5 days suspension	5 days suspension to 10 days suspension	30 days suspension to removal
b. Unexcused absence of from 1 to 3 consecutive workdays.	Written reprimand to 5 days suspension	5 days suspension to 10 days suspension	30 days suspension to removal
c. Unexcused absence of more than 3 consecutive scheduled workdays.	5 days suspension to removal	30 days suspension to removal	Removal
2. Absence from job to which assigned or from Authority premises at any time during duty hours without proper permission.	Oral reprimand to 5 days suspension	5 days suspension to 10 days suspension	30 days suspension to removal
3. Improper use of sick leave (excessive usage; failure to follow requirements for requesting sick leave.	Oral reprimand to 5 days suspension	5 days suspension to 10 days suspension	30 days suspension to removal

*A penalty either more or less severe than the minimum or maximum range may be imposed.

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PENALTY GUIDELINES*

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
4. Improper use of duty time (frequent failure to complete job assignments properly and on schedule).	Oral reprimand to 5 days suspension	5 days suspension to 10 days suspension	30 days suspension to removal
5. Conducting personal affairs while in duty status.	Oral reprimand to 5 days suspension	5 days suspension to 10 days suspension	30 days suspension to removal
6. Gambling or promotion of gambling on Authority premises.	Written reprimand to 5 days suspension	10 days suspension to 20 days suspension	Removal
7. Sleeping while on duty.			
a. When safety of personnel is not endangered.	Oral reprimand to 5 days suspension	5 days suspension to 10 days suspension	30 days suspension to removal
b. When safety of personnel or property is endangered.	5 days suspension to 20 days suspension	30 days suspension to removal	Removal
8. Knowingly falsifying attendance record for oneself or another employee.	Written reprimand to removal	10 days suspension to removal	Removal

*A penalty either more or less severe than the minimum or maximum range may be imposed.

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PENALTY GUIDELINES*

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
9. Failure to carry out orders or assignments given by a supervisor or an employee designated to lead the work of others.	Oral reprimand to 5 days suspension	10 days suspension to 20 days suspension	30 days suspension to removal
10. Insubordination or refusal to carry out orders or assignments given by a supervisor or an employee designated to lead the work of others.	5 days suspension to removal	Removal	
11. Negligent or careless work performance resulting in waste of Authority funds, damage to property, delay in production, danger of injury or loss of life, or actual injury or loss of life.	Written reprimand to removal	10 days suspension to removal	Removal
12. Failure to comply with regulations, policies, standards, directives, or other written instructions issued by the Authority. (This includes, but is not limited to, action or lack of action, which deprives applicants or employees of bona fide employment opportunity, violation of travel regulations, etc.)	Written reprimand to 15 days suspension	10 days suspension to removal	30 days suspension to removal

*A penalty either more or less severe than the minimum or maximum range may be imposed.

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PENALTY GUIDELINES*

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
13. Abuse of position. (This includes but is not limited to receipt of benefit due to position, using position to unfairly benefit another, or using position to subvert policies/procedures.)	Written reprimand to 30 days suspension	Removal	
14. Failure to impose a penalty when the facts are known and warrant disciplinary action.	Written reprimand to 30 days suspension	10 days suspension to 30 days suspension	Removal
15. Failure to carry or show identification/credentials required.	Oral reprimand to 5 days suspension	5 days suspension to 10 days suspension	30 days suspension to removal
16. Violation of security regulations, including unauthorized accessing of computer data.	Oral reprimand to removal	Written reprimand to removal	20 days suspension to removal
17. Misuse of identification cards or investigative or identification credentials.	Written reprimand to removal	10 days suspension to removal	Removal
18. Forging or knowingly falsifying official Authority records or documents.	Written reprimand to 30 days suspension	30 days suspension to removal	Removal

*A penalty either more or less severe than the minimum or maximum range may be imposed.

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PENALTY GUIDELINES*

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
19. Failure to observe precautions for personal safety, such as failure to use safety equipment or ignoring posted rules, or written or verbal safety instructions.	Written reprimand to 5 days suspension	5 days suspension to 10 days suspension	30 days suspension to removal
20. Failure to report personal injury or accident occurring on the job.	Written reprimand to 5 days suspension	5 days suspension to 10 days suspension	30 days suspension to removal
21. Violating motor vehicle rules and regulations.			
a. Reckless driving or improper operation of any motor vehicle on Authority premises.	Written reprimand to 30 days suspension	10 days suspension to removal	30 days suspension to removal
b. Violations incurred while driving an Authority vehicle or a vehicle rented or leased for official Authority purposes off Authority premises.	Written reprimand to 30 days suspension	10 days suspension to removal	30 days suspension to removal

*A penalty either more or less severe than the minimum or maximum range may be imposed.

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PENALTY GUIDELINES*

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
c. Failure to notify supervisor of suspension/revocation of license or permit within one working day for employees whose regular duties include driving Authority vehicles.	Written reprimand to 30 days suspension	Removal	30 days suspension to removal
d. Prohibited use of electronic communications devices while operating Authority vehicles.	Written reprimand to 30 days suspension	10 days suspension to removal	
22. Prohibited use, possession, distribution, or sale of controlled substances or alcohol.			
a. Unlawful sale or purchase of any such substance (includes offer to sell), or participation in the growing, manufacturing, transporting, processing, importing, or distribution of any such substance by any employee.	Removal		

*A penalty either more or less severe than the minimum or maximum range may be imposed.

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PENALTY GUIDELINES*

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
b. Unlawful use of any drug or having a detectable level of any illegal drug present in the employee's system; abuse or improper/unauthorized possession of any controlled substance by an employee.	Written reprimand to removal	Removal	
c. Prohibited alcohol use.	Written reprimand to removal	Removal	
23. Loss of, or damage to, Authority property; endangering Authority property through carelessness.	Written reprimand to 5 days suspension	10 days suspension to 30 days suspension	30 days suspension to removal
24. Actual or attempted theft of Authority property or property belonging to an individual or company on Authority premises; failure to report and turn in found property.	30 days suspension to removal	Removal	
25. Misuse of Authority property.	Written reprimand to removal	10 days suspension to 30 days suspension	30 days suspension to removal

*A penalty either more or less severe than the minimum or maximum range may be imposed.

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PENALTY GUIDELINES*

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
26. Failure to obtain written permission from the Department or Airport Manager to give official speech or official article.	Oral reprimand to 5 days suspension	5 days suspension to 30 days suspension	30 days suspension to removal
27. Engaging without official permission in private business activities or outside employment which results in a conflict of interest or creates the appearance of a conflict of interest.	Written reprimand to removal	20 days suspension to removal	Removal
28. Unauthorized canvassing, soliciting, or peddling on Authority premises.	Oral reprimand to 5 days suspension	10 days suspension to removal	30 days suspension to removal
29. Soliciting or accepting directly or indirectly any Gift from a Prohibited Source in violation of the Code of Ethics for Employees.	Written reprimand to removal	30 days suspension to removal	Removal

*A penalty either more or less severe than the minimum or maximum range may be imposed.

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PENALTY GUIDELINES*

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
30. Action that results in or creates appearance of a conflict of interest, including preferential treatment to any person or company, loss of impartiality in such a way as to adversely affect the confidence of the public in the integrity of the Authority.	Oral reprimand to removal	Written reprimand to removal	
31. Knowingly ignoring, concealing, or covering up an offense or material fact for another employee, a supervisor, or a subordinate employee, which, if revealed could result in disciplinary action being imposed.	Written reprimand to 10 days suspension	30 days suspension to removal	Removal
32. Refusal to give information or testimony, or intentional falsification, misstatement, or concealment of material fact in connection with employment or any administrative investigation or inquiry.	Written reprimand to removal	Removal	
33. Refusal to cooperate with or the obstruction of an investigation or an audit.	Written reprimand to removal	5 days suspension to removal	Removal

*A penalty either more or less severe than the minimum or maximum range may be imposed.

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PENALTY GUIDELINES*

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
34. Disorderly conduct, fighting, threatening, or attempting to inflict bodily injury on another while on duty or on Authority property.	Written reprimand to removal	20 days suspension to removal	30 days suspension to removal
35. Misconduct generally; criminal, infamous, dishonest, immoral, perverted, or notoriously disgraceful conduct.	Written reprimand to removal	30 days suspension to removal	Removal
36. Knowingly making false or unfounded statements about other employees.	Oral reprimand to 30 days suspension	10 days suspension to removal	20 days suspension to removal
37. Disreputable conduct; use of insulting, abusive, obscene language, or racial slurs to or about other individuals while on the job or on Authority property; sexual advances or harassment; creating a disturbance which reflects unfavorably on the Authority.	Oral reprimand to removal	20 days suspension to removal	30 days suspension to removal

* A penalty either more or less severe than the minimum or maximum range may be imposed.

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PENALTY GUIDELINES*

NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
38. Conduct tending to bring discredit upon the Authority.	Written reprimand to 5 days suspension	10 days suspension to removal	Removal
39. Engaging in an unwanted romantic and/or sexual relationship, improper financial and business relationships, or excessive favors with coworkers or subordinates.	5 days suspension to removal	10 days suspension to removal	Removal
40. Violating an employee's civil rights- Discrimination on the basis of race, color, religion, sex, national origin, age, or disability.	10 days suspension to removal	Removal	
41. Bringing a dangerous weapon onto Authority facilities except as explicitly authorized for official Authority purposes.	30 days suspension to removal	Removal	

*A penalty either more or less severe than the minimum or maximum range may be imposed.

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